

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

PABLO P. PIÑA,

Plaintiff,

v.

YSUSI, *et al.*,

Defendants.

Case No. 1:20-cv-01735-BAM (PC)

ORDER DIRECTING DEFENDANT YSUSI
TO LODGE EXHIBIT IN COMPLIANCE
WITH LOCAL RULE 138(l)

FIVE (5) DAY DEADLINE

Plaintiff Pablo P. Piña (“Plaintiff”) is a state prisoner proceeding *pro se* in this civil rights action pursuant to 42 U.S.C. § 1983. This action proceeds on Plaintiff’s first amended complaint against Defendant Ysusi (“Defendant”) for excessive force in violation of the Eighth Amendment. All parties have consented to United States Magistrate Judge jurisdiction. (ECF Nos. 36, 39.)

On November 29, 2022, Defendant filed a motion for summary judgment. (ECF No. 58.) Included in the exhibits filed in support of the motion for summary judgment is a “Manual Filing Notification” for “Exhibit A to Declaration of P. Williams.” (ECF No. 58-6.) The document states, in relevant part: “This filing was not e-filed for the following reason(s): **Non-Graphic/Text Computer File (audio, video, etc.) on CD or other media.**” (*Id.*) The exhibit is described as “a true and correct copy of the video footage of the January 28, 2017 fight between Inmates Pina and Sanchez, Incident Log No. COR-04A-17-01-0052, maintained as part of Inmate Pina’s file at Corcoran.” (ECF No. 58-5, p. 2.)

1 Following the filing of Defendant's motion for summary judgment, no notice of lodging
2 was filed on the docket, and the Clerk of the Court has no record of receiving any CD or other
3 media for this action.

4 Following a review of Defendant's motion for summary judgment and the docket in this
5 action, it appears the above-referenced exhibit was intended to be submitted to the Court but was
6 inadvertently omitted from Defendant's filing. Accordingly, Defendant is instructed to submit
7 the above-referenced exhibit and file a notice of lodging in compliance with Local Rule 138(l).

8 Accordingly, IT IS HEREBY ORDERED that within **five (5) days** from the date of
9 service of this order, Defendant SHALL SUBMIT "Exhibit A to Declaration of P. Williams" and
10 file a notice of lodging in compliance with Local Rule 138(l). **Failure to submit the above-**
11 **referenced exhibit in compliance with this order will result in consideration of the motion**
12 **for summary judgment, as currently filed.**

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14 IT IS SO ORDERED.

15 Dated: April 2, 2025

/s/ Barbara A. McAuliffe
16 UNITED STATES MAGISTRATE JUDGE
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